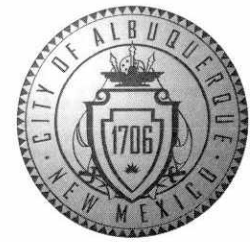


CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
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OFFICIAL NOTIFICATION OF DECISION

November 10, 2017

Ed Anlian & Paula Dal Santo
1200 Washington NE
Albuquerque, NM 87110

Project# 1011395
17EPC-40050 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for Lots 17-A, 18-A and 19-A, Block 11, Timoteo Chavez Addition, zoned C-2 to C-3, located at 2517 Sierra Dr. NE, just south of Menaul Blvd. NE, between Carlisle Blvd NE and Washington St. NE, containing approximately 0.5 acre. (H-17)
Staff Planner: Catalina Lehner

On November 9, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1011395/17EPC-40050, a Zone Map Amendment (Zone Change), based on the following Findings:

FINDINGS:

1. The request is for a zone map amendment (zone change) for an approximately (\approx) 0.5 acre site located on Sierra Dr. NE, a cul-de-sac just south of Menaul Blvd. NE (the "subject site"), zoned C-2 (Community Commercial).
2. The applicant is requesting a zone change to the C-3 (Heavy Commercial) zone in order to re-develop the subject site with a warehouse. The warehousing use is first permissive in the C-3 zone. The existing mobile home park is being phased out by the applicant, who is also the property owner.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. No area of sector development plans apply.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following Land Use Goal and policy of the Comprehensive Plan:
 - Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.
 - Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

OFFICIAL NOTICE OF DECISION

Project #1011395

November 9, 2017

Page 2 of 5

The request would allow redevelopment of a site that is already served by existing infrastructure and public facilities. Doing so is a more efficient use of land in the public interest, in contrast to greenfield development or fringe development (Goal 5.3). The request would support additional growth in an area served by existing infrastructure and public facilities (Policy 5.3.1).

6. The request generally furthers Comprehensive Plan Goal 5.6-City Development Areas, which states: "Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area."

The subject site is in an Area of Consistency. The request would facilitate development of a warehouse in an area that is characterized by a wide variety of commercial uses (retail and service), an institutional use (Post Office), warehousing, and single-family residential (existing mobile home parks on the subject site and south of it). Future development would generally reinforce the character and intensity of development in the surrounding area, and would be generally compatible with it- though the area is labeled an Area of Consistency and not an Area of Change.

7. The request furthers the following Goal and policy regarding economic development:

Goal 8.2- Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

Policy 8.2.1- Local Business: Emphasize local business development.

The request would facilitate development of a local business that would be owned and operated by the applicant, who is a local resident. It would also foster entrepreneurship by the applicant and encourage a private business to develop and grow. The request furthers Goal 8.2- Entrepreneurship, and Policy 8.2.1- Local Business.

8. The request partially furthers the following Land Use Goal and policy of the Comprehensive Plan:

Goal 5.1- Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Policy 5.1.1-Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

In general, locating commercial growth along a designated Major Transit Corridor supports the idea of Centers and Corridors. Though the development planned at this time is local growth (not regional growth), the C-3 zone may attract regional growth if it is redeveloped again in the future. The proposed use at this time, a warehouse, would generally not support a multi-modal transportation network.

9. The applicant has adequately justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:

OFFICIAL NOTICE OF DECISION

Project #1011395

November 9, 2017

Page 3 of 5

- A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Goals and policies from the Comprehensive Plan (and other plans if applicable), which the applicant has done as demonstrated in the response to Section C and is re-stated in Section D.
 - B. Section B: The applicant has adequately demonstrated that the proposed zone change would not adversely affect stability of land use or zoning in the area because the future warehouse use would be compatible with other, existing uses in the area (such as commercial services, commercial retail, warehousing). Also, the request is justified based on responses to Sections C and D, because it furthers applicable Goals and policies of the Comprehensive Plan.
 - C. Section C: The applicant's policy-based discussion demonstrates that the request furthers applicable Comprehensive Plan Goals and policies, and do not significantly conflict with it. The citations are sufficient.
 - D. Section D: The applicant has adequately demonstrated that the request would be more advantageous to the community because it would facilitate a use that is compatible with nearby uses and would further applicable Goals and policies in the Comprehensive Plan, as shown in the policy-based discussion in Section C.
 - E. Section E: The applicant intends to re-develop the subject site with a warehouse use for businesses that need storage and may do some manufacturing, assembling, treating, repairing, or rebuilding of products. The request would not be harmful to adjacent property, the neighborhood or the community because the area is already characterized by a mixture of C-2 and C-3 uses and has been for a long time. The residential use on the subject site is being phased out as the area continues to transition, as it has been for decades, to commercial uses.
 - F. Section F: The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure.
 - G. Section G: Economic considerations are a factor, but they are not the determining factor for the request. The request will address the non-conforming history of the property with a use that is appropriate at this location, and at the cost of the property owner.
 - H. Section H: The subject site is not located on a major street; it is located in a local street that is approximately 250 feet south of Menaul Blvd. Therefore, location of a major street cannot be used as justification for the request.
 - I. Section I: The request would result in a spot zone because it would give a zone different (C-3) from surrounding zoning (C-2) to one small area, and one premises is involved. However, the applicant has demonstrated that the request will clearly facilitate realization of the Comprehensive Plan.
 - J. Section J: The subject site does not constitute a "strip of land along a street" because it is approximately 0.5 acres in size and is square shaped, and therefore wouldn't be suitable for strip commercial development.
10. The applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section C demonstrates that the request would further applicable Goals and policies in the Comprehensive Plan. Though the request would create a spot

OFFICIAL NOTICE OF DECISION

Project #1011395

November 9, 2017

Page 4 of 5

zone, it is justifiable because it would clearly facilitate realization of the Comprehensive Plan (Section I). The future warehouse use would operate in an area that has been characterized by C-2 and C-3 zoning for many years, and it would not be harmful to adjacent property, the neighborhood, or the community (Section E). The remaining sections (A, B, D, F, G, H and J) are adequately addressed.

11. The Mobile Home Resident Notification Ordinance, Zoning Code §14-16-3-21, requires that property owners notify mobile home park residents in writing when they plan on phasing out a mobile home park. The tenants must have at least 18 months to make different living arrangements. In October 2016, the applicant sent a certified letter to the remaining six mobile home tenants. The 18 month notice requirements will be achieved in April 2018.
12. The District 7 Coalition was required to be notified, which the applicant did (see attachments). Property owners within 100 feet of the subject site were also notified, as required (see attachments). A facilitated meeting was not requested. As of this writing, Staff has not received any inquiries or correspondence regarding the request. There is no known opposition.

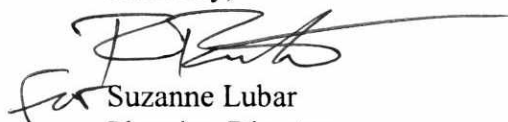
APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **NOVEMBER 27, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


Suzanne Lubar
Planning Director

OFFICIAL NOTICE OF DECISION

Project #1011395

November 9, 2017

Page 5 of 5

SL/CL

cc: Ed Anlian & Paula Dal Santo, 1200 Washington NE, ABQ, NM 87110

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Dist. 7 Coalition of NAs, Lynne Martin, 1531 Espejo NE, ABQ, NM 87112

Dist 7 Coalition of NAs, David Haughawout, 2824 Chama St. NE, ABQ, NM 87110